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09/743,774	03/14/2001	Geoffrey Chopping	P/61815-PCT	7860

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Kirschstein Ottinger Israel & Schiffmiller  
489 Fifth Avenue  
New York, NY 10017-6105

EXAMINER

MWANYOHA, SADIKI P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 12/31/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

## Office Action Summary

**Application No.**

09/743,774

**Applicant(s)**

CHOPPING ET AL.

**Examiner**

Sadiki Mwanyoha

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The drawings were received on 10/1/03. These drawings are accepted by the Examiner.
2. Claims 1-5 have been cancelled. New claims 6-10 are now pending. This is a final Office action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,295,183 to Langlois et al. in view of US patent 5,539,815 to Samba.

Regarding claims 6 and 8, Langlois et al. discloses a “congestion control system for telecommunications”. In the disclosure, Langlois et al. teaches a well-known telecommunications network that is depicted in Langlois et al. Fig. 1 (labeled “prior art”). Referring to Langlois et al. Fig. 1, the network comprises a plurality of “switching offices” (11-14) (i.e. plurality of mesh nodes) [also See Langlois et al. col. 2, line 48]. Inherently, each switching office comprises one or more switches (i.e. each mesh node including one or more switches). Additionally, it can be seen from Langlois et al. Fig. 1 that trunk groups (i.e. means of a connection) (22a,22b,24a,24b) connect each switching office to every other switching office,

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(i.e. each mesh node having a connection to each other mesh node by means of a connection between a switch at the one mesh node and a switch at the other mesh node ). The applicant may note that it is inherent that connections between switching offices via trunk groups are terminated on switches contained within the respective switching offices. Furthermore, Langlois et al. Fig. 1 shows that each switching office is associated with a plurality of telephones (i.e. each mesh node having associated therewith a respective plurality of local nodes, each switch of each mesh node being connected to all of the respective associated plurality of local nodes). Finally, Langlois et al. Fig. 1 depicts a network processor (20) that provides a dynamic call routing system. Langlois et al. defines dynamic call routing as a method of congestion control [see Langlois et al., col. 1, line 43]. The dynamic call routing system taught by Langlois et al. reads on a network routing algorithm to control the routing in the network.

However, Langlois et al. does not teach at least one of the mesh nodes including a plurality of switches wherein connections for nodes with a plurality of switches are divided between the plurality of switches associated with that node (per claim 6) or the plurality of switches of a mesh node are connected (per claim 8).

Nevertheless, Samba discloses “network call routing controlled by a management node.” In the disclosure, Samba teaches a “three-switch arrangement” comprising switches A, B and C (i.e. mesh nodes) shown in Samba Fig. 2. Switch C consists of a pair of switches C1 and C2 interconnected by communication link (24) [see col. 3, line 60]. Furthermore, it can be seen from Samba Fig. 2 that the connection between C and B (as well as between C and A) is divided between the switches C1 and C2.

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Therefore, it would have been obvious to augment at least one of the switching offices (i.e. mesh nodes) taught by Langlois et al. with an additional switch as taught by Samba, since Samba teaches that having a dual switch “provide[s] redundancy and enhance[s] the reliability of the telecommunication system.”

Regarding claims 9 and 10, claims 9 and 10 are method claims that correspond wholly to apparatus claims 6 and 8 and, therefore, are similar in scope and rejected under the same rationale.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,295,183 to Langlois et al. in view of US patent 5,539,815 to Samba and in further view of US patent 4,727,577 to Frey et al. As shown above, the combination of Langlois et al. in view of Samba teaches the telecommunications network of claim 6, the parent of claim 7.

However, Langlois et al. in view of Samba does not teach a network wherein one or more local nodes are connected to more than one mesh node.

Nevertheless, Frey et al. discloses a “method of and apparatus for recording information on the accumulated usage of a trunk.” In the disclosure, Frey et al. teaches an interconnect carrier network interconnecting two local exchange carrier networks, which is depicted in Frey et al. Fig. 1 [See Frey et al. col. 4, line 20]. The interconnect carrier network (100) comprises a plurality of toll switching system offices (115-118) (i.e. mesh nodes) [see col. 5, line 24]. The two local exchange carrier networks (101,102) (i.e. mesh nodes) comprise a plurality of telephone switching system offices (103-106,109-112) (i.e. local nodes) [also see Frey et al. col. 4, lines 40,65]. Referring to Fig. 1, the telephone switching system offices (104,106,109,110)

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(i.e. local nodes) are connected to more than one toll switching system office (i.e. mesh node, wherein one or more local nodes are connected to more than one mesh node).

Therefore, it would have been obvious to modify the telecommunications network taught by Langlois et al. in view of Samba by connecting a telephone (i.e. local node) to more than one switching office (i.e. mesh node), since Frey et al. teaches that “many local networks [i.e. local nodes] and the offices contained therein are served by several different interconnect carrier networks [i.e. mesh nodes]” [see col. 5, line 13].

#### ***Response to Arguments***

7. Applicant's arguments filed 10/1/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. “switch A could be solely connected to C1 and that switch B could be solely connected to C2”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadiki Mwanyoha whose telephone number is 703-305-3417. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

spm

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
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